

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06-CR-74-1-BR

UNITED STATES OF AMERICA

v.

HOWELL WAY WOLTZ

ORDER

This matter is before the court on defendant's motion for a writ of error coram nobis. "To be entitled to coram nobis relief, the petitioner must demonstrate that: '(1) a more usual remedy is not available; (2) valid reasons exist for not attacking the conviction earlier; (3) adverse consequences exist from the conviction sufficient to satisfy the case or controversy requirement of Article III; and (4) the error is of the most fundamental character.'" United States v. Bazuaye, 399 Fed. Appx. 822, 824 (4th Cir. 2010) (unpublished) (quoting Hirabayashi v. United States, 828 F.2d 591, 604 (9th Cir. 1987)), cert. denied, 131 S. Ct. 2164 (2011). Defendant has previously attacked his conviction on the grounds he raises in the instant motion, and the court will not reconsider its prior rulings. Defendant is not entitled to relief. The motion is DENIED.

This 4 January 2012.



W. Earl Britt
Senior U.S. District Judge